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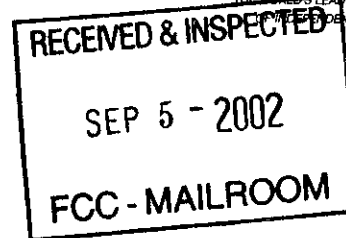
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MEMBER OF LEX MUNDI,
THE INTERNATIONAL ASSOCIATION
OF INDEPENDENT LAW FIRMS



Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW 204-B
Washington, DC 20554

RE: In the Matter of Amendment of Section 73.202(b)
(Ravenswood, West Virginia and Racine, Ohio)

Dear Secretary Dortch:

Attached hereto please find one original and four copies of a Petition for Rulemaking regarding the proposed reallocation of Channel 226A from Ravenswood, West Virginia, to Racine, Ohio.

In addition, a fifth copy, along with a prepaid return envelope, has been provided for Commission acknowledgement via a stamp of receipt.

Please direct any inquiries related to this matter to the undersigned.

Sincerely Yours,

Christina T. Brumley

Enclosures

Copy (w/ encl.): W. Lawrence Patrick

No. of Copies rec'd 015
List ABCDE MB

02-230

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

RECEIVED & INSPECTED
SEP 5 - 2002
FCC - MAILROOM

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. _____
Table of Allotments)	RM- _____
FM Broadcast Stations)	
(Ravenswood, West Virginia and Racine, Ohio))	

To: Assistant Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING

Legend Communications of West Virginia, LLC ("Legend"), licensee of Radio Station WLWF(FM), operating on Channel 226A at Ravenswood, West Virginia, by its counsel and pursuant to 47 C.F.R. Section 1.420, hereby requests that the Commission conduct a rulemaking proceeding to amend 47 C.F.R. Section 73.202(b), the FM Table of Allotments, by reallocating Channel 226A from Ravenswood, West Virginia, to Racine, Ohio, and modify Radio Station WLWF(FM)'s license accordingly. In support thereof, the following is respectfully shown.

Discussion

1. The village of Racine, Ohio, is an incorporated town located in southern Meigs County, Ohio, with a population of 746 persons.¹ Racine has a Mayor and a village council. The village of Racine provides water and sewer services and street services to its residents, and has its own emergency medical system. The village has a police force and a volunteer fire department. There are numerous businesses, churches, medical facilities and residential areas in Racine. Furthermore, the community houses local elementary and high schools.² No AM or FM stations are currently licensed to

¹ U.S. Census Bureau Web Site, Profile of Demographic Characteristics: 2000, Data Set: Census 2000 Summary File 1.

² See attached Affidavit of W. Lawrence Patrick, Managing Member of Legend for more specific information regarding Racine's community.

Racine, either commercial or non-commercial. Consequently, Racine, Ohio should be considered a "community" worthy of its own first local service.

2. In comparison, Ravenswood, West Virginia, is adequately served. Besides WLWF(FM), commercial Radio Station WMOV(AM) is licensed to Ravenswood, West Virginia³. Consequently, the proposed reallocation of Channel 226A from Ravenswood, West Virginia, to Racine, Ohio will not deprive Ravenswood of its only local service.

3. Further, the proposed reallocation complies with the Commission's Rules and would serve the Commission's allotment priorities and the public interest. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990), the Commission stated the proposed channel must be mutually exclusive with the existing channel and the new community must be preferred over the existing community under the Commission's allotment priorities. As indicated in the attached Technical Statement, the proposed reference point is identical to WLWF(FM)'s present licensed transmitter site and, therefore, the proposed allotment of Channel 226A at Racine, Ohio is mutually exclusive with the current use of Channel 226A at Ravenswood, West Virginia. Therefore, the stations' license can be modified without affording other interested parties an opportunity to file competing expressions of interest. *See* 47 C.F.R. Section 1.420(i).

4. Further, the new community, Racine, will obtain a first local service, whereas Ravenswood will retain existing service from AM Station WMOV. Under the Commission's allotment criteria, a first local service is preferred over additional local services. *See, Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Significantly, Racine is not located within any urbanized area. It is, therefore, not a suburb of any larger community but rather an independent community that deserves its own local radio station.

³ An application to transfer the license for WMOV(AM) from Legend to Harold Parshall was accepted for filing with the Commission on July 31, 2002. Mr. Parshall has also requested a change in the call letters concurrent with his closing of this transaction from WMOV(AM) to WVJR(AM). The grant of this transfer is still pending at the Commission.

5. As indicated on the attached Technical Statement, it will be necessary to increase the WLWF(FM) antenna height in order to have predicted city grade coverage over the community as required by 47 C.F.R. Section 73.315(a). As a result, WLWF(FM) will not only provide a first local service to an independent community deserving of service, but also will provide service to additional people not previously served by the Station. Petitioner submits that this proposal is decidedly in the public interest.

6. Petitioner hereby states that should the Commission grant the instant proposal to reallocate Channel 226A from Ravenswood, West Virginia, to Racine, Ohio, and modify Radio Station WLWF(FM)'s license accordingly, Petitioner will file an application for the new facilities and will implement that application expeditiously.

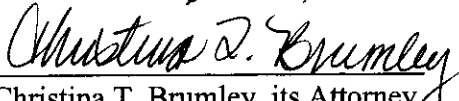
WHEREFORE, Legend Communications of West Virginia, LLC, respectfully requests that the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:

Community	Present	Proposed
Ravenswood, West Virginia	226A	-----
Racine, Ohio	-----	226A

Legend further requests that the Commission modify the license of WLWF-FM to specify Racine as the station's community of license without affording other parties the opportunity to file competing expressions of interest.

Respectfully submitted,

**LEGEND COMMUNICATIONS
OF WEST VIRGINIA, LLC**

By: 
Christina T. Brumley, its Attorney

JACKSON & KELLY PLLC
P.O. Box 553
Charleston, WV 25322
(304) 340-1370

Dated: September 3, 2002

PETITION FOR RULE MAKING
LEGEND COMMUNICATIONS
OF WEST VIRGINIA, LLC
RE-ALLOT CHANNEL 226A
RACINE, OHIO
August 2002

TECHNICAL STATEMENT

1. This technical statement and attached exhibits have been prepared on behalf of Legend Communications of West Virginia, LLC ("Legend"), licensee of WLWF, Channel 226A, Ravenswood, West Virginia. Legend herein requests Channel 226A be re-allotted from Ravenswood, West Virginia, to Racine, Ohio. The proposed allotment to Racine is mutually exclusive with the present WLWF allotment on Channel 226A at Ravenswood, West Virginia.

DISCUSSION

2. The village of Racine, Ohio, is located in southern Meigs County, Ohio, with a population of 746 persons.¹ Racine has a Mayor and village council. The village of Racine provides water and sewer services to its residents. The village has a Police Force, as well as a volunteer Fire Department. There are numerous businesses, churches and residential areas in Racine. Racine presently has no licensed AM or FM services. Further, Racine is not located in or near any Urbanized Areas and is designated as a city, as defined by the U.S. Census.

1) 2000 U.S. Census.

PROPOSAL

3. Channel 226A can be allotted to Racine, Ohio, with a site restriction of 14.5 kilometers southeast of the community in order to specify the present WLWF transmitter site, as well as avoiding a shortspace to the proposed allotment of Channel 227B to Ashville, Ohio.² The reference site for the proposed allotment is North Latitude 38° 53' 36" and West Longitude 81° 46' 52".

4. Attached as Exhibit #1 is a map depicting the area to locate Channel 226A to be licensed to Racine, Ohio. Further, attached as Exhibit #2 is a §73.207 spacing study demonstrating that Channel 226A meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities. From the proposed reference site, a theoretical 70 dBu signal is delivered to all of Racine.³

5. Therefore, Legend herein requests the following changes in §73.202 of the Commission's rules.

Racine, Ohio

Present	Proposed
None	226A

Ravenswood, West Virginia

Present	Proposed ⁴
226A	None

-
- 2) At present, the WLWF tower is only 40 feet above ground. Upon the issuance of a Report and Order authorizing a change in community of license, Legend will submit an application to make changes in the facilities of WLWF, proposing to build a taller tower for WLWF..
- 3) Based on a typical maximum Class A 70 dBu radius of 16.1 kilometers (no terrain variations considered).
- 4) AM Station WMOV, 1360 kHz, will remain licensed to Ravenswood, West Virginia.

PUBLIC INTEREST

6. The allotment of Channel 226A to Racine, Ohio, will provide that community with its first locally licensable FM channel, without depriving Ravenswood, West Virginia, of its only local service, since an AM station WMOV will remain licensed to Ravenswood. As denoted above, Racine is not located in or near any Urbanized Area.

7. Once Channel 226A is allotted to Racine, Ohio, Legend will submit the required minor change application for construction permit (FCC Form 301) seeking authority to make the changes to the facilities of WLWF.

8. The foregoing technical statement was prepared on behalf of Legend Communications of West Virginia, LLC, by Graham Brock, Inc., its Technical Consultants. All data related to FM facilities was extracted from the CDBS database; all population data is from the PL 94-171 files (2000 Census). We assume no liability for errors or omissions in those databases that may be adverse to the requests contained herein.

Latitude: 38-53-36 N
Longitude: 081-46-52 W
ERP: 2.20 kW
Channel: 226A
Frequency: 93.1 MHz
MSL Height: 290.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: FCC

Graham Brock, Inc. - Broadcast Technical Consultants

WLWF STA 60 dBu

WLF STA 70 dBu

WTLWF LIC. 60 dBu

WL VLF Licensed
Altitude: 38,533.36
Latitude: 38.53336
Longitude: -081.465
ERP: 4.30 kW
Channel: 26A
Frequency: 93.1 MHz
MSL Height: 336
Horiz. Pattern: Omnid.
Vert. Pattern: No
Prop. Model: FCC

EXHIBIT #1
REQUEST FOR TEMPORARY AUTHORIZATION
LEGEND COMM. OF WEST VIRGINIA, LLC
WLWF RADIO STATION
RAVENSWOOD, WEST VIRGINIA
May 2002



EXHIBIT #2

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD226 AD	226A 38 53 36	Racine 81 46 52	OH 0.000 kW	0.0 0M	0.00 0.0	115.0 71.5	-115.00
> Change in Community of Lic.							
WLWF LIC CN	226A 38 53 36	Ravenswood 81 46 52	WV 4.300 kW	0.0 117M	0.00 0.0	115.0 71.5	-115.00
Legend Communications Of WV BLH-19961007KD							
WCWV LIC CN	225B 38 21 37	Summersville 80 38 49	WV 11.000 kW	120.7 274M	115.13 71.6	113.0 70.2	2.13
R-S Broadcasting Company, Inc. BLH-19830328AL							
WDHR.C CP CX	226C2 37 27 57	Pikeville 82 33 04	KY 22.000 kW	203.2 231M	172.21 107.0	166.0 103.2	6.21
East Kentucky Broadcasting Co. BPH-20010518AAX							
WDHR LIC CN	226C2 37 27 57	Pikeville 82 33 04	KY 16.500 kW	203.2 256M	172.21 107.0	166.0 103.2	6.21
East Kentucky Broadcasting Co. BLH-19920207KC							
WZKM LIC CN	227A 38 13 09	Montgomery 81 25 05	WV 4.100 kW	157.0 121M	81.25 50.5	72.0 44.8	9.25
Educational Media Foundation BLH-19950824KD							
RADD ADD	227B 39 37 17	Ashville 82 53 13	OH 0.000 kW	310.7 0M	125.07 77.7	113.0 70.2	12.07
WDGG LIC CN	229C1 38 23 14	Ashland 82 39 45	KY 100.000 kW	234.0 226M	95.11 59.1	75.0 46.6	20.11
Fifth Avenue B/casting Company BLH-19860407KC							
WFCB LICDCN	227B 39 35 30	Chillicothe 83 06 38	OH 33.000 kW	304.6 182M	138.50 86.1	113.0 70.2	25.50
Secret Communications II BLH-20020304AFX							
WCVZ LIC CN	224B1 39 42 52	South Zanesville 82 04 10	OH 16.000 kW	344.9 124M	94.49 58.7	48.0 29.8	46.49
Christian Voice Of Central Ohio BMLED-19960423KC							

AFFIDAVIT

I, W. Lawrence Patrick, swear under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge and belief:

1. I am the sole shareholder and managing member of Legend Communications of West Virginia LLC ("Legend"), the licensee of WLWF(FM), currently licensed to Ravenswood, West Virginia.
2. At my request, our consulting engineer, Jefferson Brock of Graham & Brock, and our attorney, Christina Brumley, Esq, of Jackson & Kelly have prepared a request to modify the Table of Allocations requesting a change of the city of license for WLWF(FM) from Ravenswood, West Virginia to Racine, Ohio.
3. This change proposes the current tower location for WLWF(FM). As such, the station's coverage will not be affected.
4. Racine, currently without first commercial service, is entitled to service while Ravenswood will continue to have primary service from WMOV(AM), also licensed to Ravenswood. An application to transfer the license for WMOV(AM) from Legend to Harold Parshall was accepted for filing with the Commission on July 31, 2002. Mr. Parshall has also requested a change in the call letters concurrent with his closing of this transaction from WMOV(AM) to WVJR(AM). The grant of this transfer is still pending at the Commission.
5. Racine is an incorporated town that appears in the 2000 U.S. Census with a population of 746 persons.¹ The approximate number of families in Racine is 309.
6. Racine covers an area of 1.041 square kilometers and is located on the Ohio River.

¹

U.S. Census Bureau Web Site, Profile of Demographic Characteristics: 2000, Data Set: Census 2000 Summary File 1.

7. Racine has a U.S. Post Office with its own zip code of 45771.
8. Racine has its own municipal government with an elected mayor and city council.
9. Racine has its own police department as well as a volunteer fire department.
10. Racine maintains its own Emergency Medical System, water and sewer department and street department.
11. Racine operates its own public library and is home to Starr Mill Park, which is a public park and landmark located within the city limits.
12. Racine has a Medical and Dental Clinic as well as an Optometric Clinic.
13. Racine is home to two church congregations—the Racine Methodist Church and the First Baptist Church of Racine.
14. Racine is home to both Southern Elementary School and Southern Local High School.
15. Racine is home to Post 602 of the American Legion and Lodge 164 of the Pomeroy Racine Masons.
16. Racine has its own chapter of the Meigs County Area Chamber of Commerce.
17. Racine is also home to the Racine Area Community Organization, devoted to community development.
18. Racine hosts an annual Fourth of July Celebration at Starr Mill Park which features 25 area craftsmen.
19. Racine is home to a number of businesses including:
 - Home National Bank
 - A Cut Above Tanning & Beauty Salon
 - Star Auto Sales
 - Southern Heating and Cooling

- AB&T Auto Service
- Roses Excavating
- Cremmen's Funeral Home
- Wagner Hardware
- Harmen Heating and Cooling
- Racine Citco & Convenience Store
- Racine Express Pizza
- Hart's Kountry Kitchen Restaurant
- Lone Oak Farm
- Racine Laundromat
- Sun Fun Convenience Store
- Racine Auto Service Center
- Maplewood Christian Campground
- Royal Oak Resort
- Old Lock 24 Campground
- Nature At Its Best Cabins
- Anna's Greenhouse
- Infinite Fiberworks--Porsche parts and accessories
- Granny's Greenhouse
- Nottingham Beef and Produce
- Riverview Herb Farm
- Sayre Produce Company
- Stobart's Greenhouse
- Twiggy's Kountry Restaurant
- Sue's Greenhouse
- Cindy's Crafts
- Farmer's Bank & Savings Company--ATM location

20. Racine is a vibrant, recognized community that is separate and distinct from other nearby towns and, lacking its own first commercial service, is entitled to have WLWF(FM) assigned to it as its first commercial service.
21. Racine is a separate community not located close to any large cities. In adverse weather conditions, such as heavy snow, dense fog from the Ohio River or rain storms or when the local telephone service and electrical power fails, the residents have no ready means to publicize emergency information. The establishment of a local radio station could help greatly in such circumstances.

22. Ravenswood would continue to have its own primary service from WMOV(AM). The proposed allocation site for Racine is the present WLWF(FM) transmitter site. As such, no change in the proposed allocation site is requested.

The foregoing is true and correct, and based upon matters of which I have personal knowledge and from visits to the community of Racine, Ohio by members of the licensee's staff.

Signed under penalty of perjury this 23rd day of August, 2002.

A handwritten signature in cursive script, reading "W. Lawrence Patrick", written over a horizontal line.

W. Lawrence Patrick

Managing Member

Legend Communications of West Virginia LLC